

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF
AMERICA,
Plaintiff,
v.
KENNETH ELLER,
Defendant.

No. CR 06-0735 MAG

ORDER FOR CRIMINAL PRETRIAL
PREPARATION

Good cause appearing, IT IS HEREBY ORDERED that:

A. TRIAL DATE. Trial before the JURY shall be on April 9, 2007 at 9:00 a.m. in Courtroom 205A, Second Floor, 514 H Street, Eureka California.

B. TRIAL LENGTH. The estimated length of trial is five to six days.

C. MOTIONS. All motions shall comply with Criminal Local Rule 47-2 and shall be heard on March 20, 2007 at 1:00 p.m. in Courtroom 205A. All motions shall be filed and served by March 9, 2007 by close of business. Any opposition shall be filed and served by March 16, 2007 by close of business. Before filing any motion, counsel for each party shall confer concerning any matter covered by Criminal Local Rule 16-1 relevant to the case, in particular subparagraphs (a),(b) and (c).

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1 D. FINAL PRETRIAL CONFERENCE AND MOTIONS HEARING DATE shall be held
2 on March 20, 2007 at 1:00 p.m. in Courtroom 205A. Not less than four days before the Pretrial
3 Conference, counsel for the Government shall:

4

5 (1) Serve and file a trial memorandum briefly stating the legal basis for the charges and
6 the anticipated evidence, and addressing any evidentiary, procedural or other anticipated legal
7 issues, including but not limited to the matters listed in Criminal Local Rule 17.1-1(b)(1) - (15);

8 (2) Serve and file a list of all witnesses who may be called, together with a brief
9 summary of the testimony of each;

10 (3) Serve and file proposed jury instructions on all substantive issues and on any
11 procedural issue not adequately covered by the court's standard instructions (which are
12 published in the Ninth Circuit Manual of Model Jury Instructions);

13 (a) any instruction contained in the Ninth Circuit Model
14 Instructions Manual may be requested by designation of its
15 number;

16 (b) each other instruction shall be requested by setting forth the
17 instruction in full text on a separate sheet with reference to
18 supporting legal authority;

19 (4) Serve and lodge a proposed form of verdict and proposed questions for jury voir
20 dire; and

21 (5) Serve and lodge three sets of all exhibits to be offered at trial, together with a
22 complete list of those exhibits. Each item shall be premarked using the form attached;
23 generally, the government shall use numbers and the defendant shall use letters. (See
24 attachment).

25 Not less than four days before the Pretrial Conference, defense counsel shall comply
26 with subparagraphs (3) and (4) above, and, to the extent consistent with the defendant's right
27 to an effective defense, with subparagraphs (1),(2) and (5) above.

28 In particular, counsel shall confer in advance and be prepared to discuss with the court

1 any anticipated evidentiary objections or motions in limine and any means for shortening and
2 simplifying the trial (e.g., by stipulating to such matters as chain of custody, nature of
3 substances, use of the mails, admissibility of copies, etc.)

4 E. CHALLENGES. The procedure for exercising peremptory challenges in Criminal
5 Local Rules 24-2 and 24-3 will be observed absent objection by the parties.

6 F. COPIES. Each document filed or lodged with the court must be accompanied by a
7 copy for use in the Judge's chambers.

8 G. TRANSCRIPTS. If transcripts will be requested during or immediately after trial,
9 arrangements must be made with the Court Reporter at least one week before trial
10 commences. Call (707) 445 3612.

11 H. CHANGE OF PLEA. Counsel shall give prompt notice to the United States Attorney
12 and to the court of any intention to change a previously entered not guilty plea. A written plea
13 agreement must be submitted at least one day in advance of the plea.

14 DATED: 2/26/07

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16 NANDOR J. VADAS
17 United States Magistrate Judge

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ATTACHMENT 5, EXHIBIT FORM

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Case No. _____

Exhibit No. _____

Date Entered: _____

RICHARD W. WIEKING, Clerk

By: _____
Deputy Clerk